

pre



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,572	11/20/2001	Nobuaki Ogushi	862..T896 D2	8888

5514 7590 11/19/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

RAPP, CHAD

ART UNIT	PAPER NUMBER
----------	--------------

2125

DATE MAILED: 11/19/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/988,572

Applicant(s)

OGUSHI ET AL.

Examiner

Chad Rapp

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 32-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/902,160.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2125

1. Claims 32-42 are presented for examination.

Claim Objections

2. Claim 41 is objected to because of the following informalities:

Claim 41, line 2 “second manufacturing factors” should be changed to “second manufacturing factories”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 32-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 32, line 6 “the Internet”. There is insufficient antecedent basis for this limitation in the claim.

In claim 36, line 2 “the Internet”. There is insufficient antecedent basis for this limitation in the claim.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2125

6. Claims 32-42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims have the term "Internet" in claims 32 and 36. The specification does not explain how the Internet is used. The specification explains how the internet(small "i") is used. Internet is defined as a specific collection of interconnected networks spanning more than forty countries throughout the world. An internet(small "i") is any connection of two or more computer networks.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Kemper et al.

Kemper et al. teaches the claimed invention(claim 36) including a manufacturing system comprising :

a. A computer which is connected to the Internet and provides a database storing information of industrial equipment is taught as the diagnostic center computer with long term data storage(see fig. 1);

b. A first manufacturing factory having the industrial equipment and a LAN system capable of accessing the database though the Internet is taught as plant is connected to a computer and a database(see fig. 1 part 1);

Art Unit: 2125

c. A second manufacturing factory, located at a remote location from said first manufacturing factory, having the industrial equipment and a LAN system capable of accessing the database through the Internet is taught as plant is connected to a computer and a database(see fig. 1 part 2).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 32, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seaton et al. in view of Palusamy et al. and further in view of Tsuyama et al.

Seaton et al. teaches the claimed invention (claim 32) substantially as claimed including a manufacturing system in a factory comprising:

a. Industrial equipment installed in the factory for manufacturing products is taught as spray process tools(abstract);

b. A LAN system connecting to the industrial equipment and the host computer is taught as the host computer connects to the plurality of supervisor computers which are connected to the spray tools(col. 2 lines 13-62);

c. Wherein the host computer is connected to the Internet to allow access to a remote computer placed at a remote location from the factory through the Internet is taught as connection to the VAX or other SECS-compatible system via an Ethernet for functions to be performed remotely(worldwide)(col. 3 lines 1-4).

Seaton et al. teaches the above listed details of the independent claim 32, however Seaton et al. does not teach: a host computer and the remote computer providing at least one of database storing maintenance information of the industrial equipment and a software library for the industrial equipment.

Palusamy et al. teaches :

a. A host computer is taught as a host computer(fig. 4 part 170).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Seaton et al. with the teachings of Palusamy et al. because the Palusamy uses a host computer with a remote maintenance system that utilizes global communication networks based on Internet protocols that well known in the art see fig.2. In using an Internet based communication system, the remote maintenance system of Seaton et al. would be able to facilitate uniform access to the system components.

Tsuyama et al. teaches :

a. The remote computer providing at least one of database storing maintenance information of the industrial equipment and a software library for the industrial equipment is taught as the large capacity storage unit(col. 3 lines 44-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Seaton et al. with the teachings of Tsuyama et al.

Art Unit: 2125

because Tsuyama et al. sets up a system for various factories using data tables that matches failures with causes to make repair and maintenance quicker and easier.

As to claim 33, Tsuyama et al. teaches wherein the database stores information for identifying industrial equipment, trouble states that may occur in the identified industrial equipment, and corresponding countermeasures against the registered trouble states is taught as failure code, action classification and part number(col. 3 line 25 to col. 4 line 63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Seaton et al. with the teachings of Tsuyama et al. because Tsuyama et al. sets up a system for various factories using data tables that matches failures with causes to make repair and maintenance quicker and easier.

As to claim 35, Seaton et al. teaches that wherein the industrial equipment comprises the same types of semiconductor apparatuses is taught as spray process tools(abstract).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seaton et al. in view of Palusamy et al. further in view of Tsuyama et al. and further in view of La et al.

Art Unit: 2125

Seaton et al., Palusamy et al. and Tsuyama et al. teaches the claimed invention(claim 32) see paragraph number 10 above.

As to claim 34, La et al. teaches that wherein the industrial equipment comprises different types of semiconductor apparatuses is taught as having process equipment identification meaning there are different process equipment(col. 3 lines 56-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Seaton et al. with the teachings of La et al. because the database of La et al. relates the defects and errors to the different types of equipment and how to fix the equipment so the appropriate personnel can know what is wrong and how to fix it. Quick maintenance times.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemper et al. in view of Tsuyama et al.

Kemper et al. teaches the claimed invention(claim 36) see paragraph number 8 above.

As to claims 37 and 40, Tsuyama et al. teaches wherein the database stores information for identifying an industrial equipment, trouble states that may occur in the identified industrial

Art Unit: 2125

equipment, and corresponding countermeasures against the registered trouble states is taught as failure code, action classification and part number(col. 3 line 25 to col. 4 line 63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Kemper et al. with the teachings of Tsuyama et al. because Tsuyama et al. sets up a system for various factories using data tables that matches failures with causes to make repair and maintenance quicker and easier.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemper et al. in view of Chen et al.

Kemper et al. teaches the claimed invention(claim 36) see paragraph number 8 above

As to claim 38, Chen et al. teaches wherein said computer automatically notifies an appropriate personnel of trouble with the industrial equipment is taught as responsible personnel are notified by email(abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Kemper et al. with the teachings of Chen et al. because this allows immediate response to any problems with the manufacturing facility. This

Art Unit: 2125

can decrease the amount of damage done to parts or machines, since the problem is sent immediately to the appropriate personnel.

As to claim 39, Chen et al. teaches wherein said computer automatically sends an e-mail to the appropriate personnel is taught as responsible personnel are notified by email(abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Kemper et al. with the teachings of Chen et al. because this allows immediate response to any problems with the manufacturing facility. This can decrease the amount of damage done to parts or machines, since the problem is sent immediately to the appropriate personnel.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemper et al. in view of La et al.

Kemper et al. teaches the claimed invention(claim 36) see paragraph number 8 above.

As to claim 41, La et al. teaches that wherein said first and second manufacturing factors belong to a single user is taught of having a password security access by a type of user(col. 3 lines 1-2).

Art Unit: 2125

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Kemper with the teachings of La et al. because the security password allows only access to user and restricts all other users from entering into your system and damaging it or damaging equipment in the factory.

As to claim 42, La et al. teaches wherein said first and second manufacturing factories belong to different users from each other is taught of having a password security access by a type of user(col. 3 lines 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made or used to modify the teachings of Kemper with the teachings of La et al. because the security password allows only access to user and restricts all other users from entering into your system and damaging it or damaging equipment in the factory.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2125

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

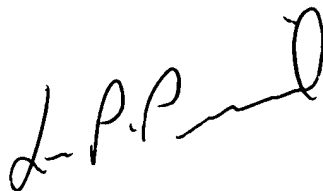
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Rapp whose telephone number is (703)306-4528. The examiner can normally be reached on Mon-Fri 11:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703)308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703)746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9600.

Chad Rapp
Examiner
Art Unit 2125

cjr

A handwritten signature in black ink, appearing to read 'L. Picard', with a stylized flourish at the end.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100